

EXHIBIT D

From: Koh, Jennifer L.
To: ["ice-foia@dhs.gov"](mailto:ice-foia@dhs.gov)
Subject: Appeal of ICE FOIA Request 2018-ICFO-59705
Date: Tuesday, October 16, 2018 1:08:27 PM

Dear FOIA Office:

I write to appeal certain aspects of ICE's request to our FOIA Request 2018-ICFO-59705, seeking records regarding communication and collaboration with Union Pacific Railroad Police.

First, the decision to charge the requestors for records as an educational institution. As stated in the initial request letter, The Requesters are entitled to a waiver of all costs because the information sought "is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the [Requesters'] commercial interest." 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 6 C.F.R. § 5.11(k) (records furnished without charge if the information is in the public interest, and disclosure is not in the commercial interest of institution).

Second, although ICE invoked a 10-day extension to respond to the FOIA, more than 30 days have now passed since the original request date of September 7, 2018. (On September 18, 2018, ICE requested that certain aspects of the request be narrowed. On September 24, 2018, I agreed to narrow the request in some areas.)

Finally, the ICE FOIA has listed the incorrect address for my office. I am no longer at 1111 N. State College Blvd in Fullerton. As indicated in my original request, my mailing address is: Western State College of Law, 1 Banting, Irvine CA 92618.

Yours truly,

Jennifer Koh

From: ice-foia@dhs.gov <ice-foia@dhs.gov>
Sent: Saturday, September 08, 2018 12:02 PM
To: Koh, Jennifer L. <jkoh@wsulaw.edu>
Subject: ICE FOIA Request 2018-ICFO-59705

September 08, 2018

Jennifer Koh
Western State University College of Law
1111 N. State College Blvd.
Fullerton, CA 92831

RE: ICE FOIA Case Number 2018-ICFO-59705

Dear Ms. Koh:

This acknowledges receipt of your September 07, 2018, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for all records concerning any communications between any ICE officer, agent, attorney, or employee and any Union Pacific Railroad Police or Union Pacific Corporation officer, agent, attorney, or employee regarding the identification, investigation, apprehension, arrest, detention, or referral of persons believed to have violated the immigration laws from January 1, 2017 to present (see request for further details). Your request was received in this office on September 07, 2018.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your

request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part

5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10- day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to educational requesters. As an educational requester, you will be charged 10 cents per page for duplication; the first 100 pages are free. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2018-ICFO-59705**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov/foia-status>. Please note that to check the status of a request, you must enter the 2017-ICFO-XXXXX or 2018-ICFO-XXXXX tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Regards,

ICE FOIA Office
Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
Telephone: 1-866-633-1182
Visit our FOIA website at www.ice.gov/foia